

Message Text

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PAGE 01 SEOUL 04076 170902Z

ACTION EB-07

INFO OCT-01 EUR-12 EA-09 ISO-00 COME-00 L-03 /032 W

-----171228Z 035784 /45

R 170606Z MAY 77

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC 3928

INFO AMEMBASSY MADRID

UNCLAS SEOUL 4076

E.O. 11652: N/A

TAGS: EIND, KS

SUBJECT: KOREA-SPAIN PATENT AGREEMENT

REF: STATE 104217

1. FOLLOWING IS "COURTESY TRANSLATION" OF TEXT OF NOTE
DATE JULY 31, 1975 FROM MINISTRY OF FOREIGN AFFAIRS, SEOUL,
TO HIS EXCELLENCY, JOSE M. AGUADO, AMBASSADOR EXTRAORDINARY
AND PLENIPOTENTIARY OF THE SPANISH STATE TO THE REPUBLIC
OF KOREA, SEOUL:

QUOTE. EXCELLENCY, I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT
OF YOUR EXCELLENCY'S NOTE DATED JULY 31, 1975, WHICH READS
AS FOLLOWS:

"I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE
GOVERNMENT OF THE SPANISH STATE IS PREPARED TO CONCLUDE
WITH THE GOVERNMENT OF THE REPUBLIC OF KOREA THE FOLLOWING
AGREEMENT CONCERNING MUTUAL GRANTING AND PROTECTION OF
THE RIGHTS ON PATENT OF INVENTION, UTILITY MODEL, DESIGN,
TRADE MARK OR OTHER INDUSTRIAL PROPERTY RIGHTS THAT MAY
BE RECOGNIZED BY THE NATIONAL LAW OF EITHER COUNTRY TO THE
NATIONALS OF THE OTHER COUNTRY.

1. PHYSICAL AND JURIDICAL PERSONS OF EITHER COUNTRY,
WITHIN THE TERRITORIES OF THE OTHER COUNTRY, SHALL BE
GRANTED THE SAME RIGHTS AS ARE GIVEN TO THE PHYSICAL AND
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JURIDICAL PERSONS OF THE OTHER COUNTRY WITH RESPECT TO THE
RIGHTS FOR REGISTRATION AND PROTECTION OF PATENT OF
INVENTION, UTILITY MODEL, DESIGN, TRADE MARK OR OTHER
INDUSTRIAL PROPERTY RIGHTS THAT MAY BE RECOGNIZED BY THE
NATIONAL LAW OF EITHER COUNTRY, REGARDLESS OF WHETHER
THEY HAVE A DOMICILE OR AN ESTABLISHMENT IN SUCH OTHER
COUNTRY.

2. PHYSICAL AND JURIDICAL PERSONS OF EITHER COUNTRY WHO HAVE DULY FILED AN APPLICATION IN ONE COUNTRY FOR A PATENT OR INVENTION, REGISTRATION OF UTILITY MODEL, AND OF DESIGN, OR OTHER INDUSTRIAL PROPERTY RIGHTS, THE PRIORITY RIGHT OF WHICH MAY BE RECOGNIZED BY THE NATIONAL LEGISLATION OF EITHER COUNTRY, SHALL ENJOY, FOR THE PURPOSE OF FILING IN THE OTHER COUNTRY, A RIGHT OF PRIORITY, DURING THE PERIOD PROVIDED FOR BY THE RELEVANT LAWS AND REGULATIONS OF EITHER COUNTRY.

3. IN ORDER TO ENSURE THE PROTECTION REFERRED TO IN THE PRECEDING TWO PARAGRAPHS, PHYSICAL AND JURIDICAL PERSONS OF EITHER COUNTRY SHALL BE SUBJECT TO THE RELEVANT LAWS AND REGULATIONS OF THE COUNTRY WHERE PROTECTION IS REQUESTED.

4. THE PRESENT AGREEMENT SHALL REMAIN IN FORCE UNLESS EITHER CONTRACTING PARTY GIVES TO THE OTHER A SIX MONTHS' WRITTEN NOTICE OF ITS INTENTION TO TERMINATE THE AGREEMENT."

IF THE FOREGOING PROVISIONS ARE ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF KOREA, I HAVE FURTHER THE HONOR TO PROPOSE THAT THE PRESENT NOTE AND YOUR EXCELLENCY'S REPLY THERE TO SHALL CONSTITUTE AN AGREEMENT ON THIS SUBJECT ENTERING PROVISIONALLY INTO FORCE ON THE DATE OF RECEIPT BY THE MINISTRY OF FOREIGN AFFAIRS OF SUCH REPLY, AND ENTERING DEFINITELY INTO FORCE ON THE FIFTEENTH DAY AFTER THE DATE ON WHICH THE CONTRACTING PARTIES HAVE NOTIFIED EACH OTHER THAT THEIR RESPECTIVE DOMESTIC LEGAL

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FORMALITIES FOR ENTRY INTO FORCE OF THE AGREEMENT HAVE BEEN FULFILLED."

I HAVE FURTHER THE HONOR TO INFORM YOUR EXCELLENCY THAT THE FOREGOING PROVISIONS ARE ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF KOREA AND TO CONFIRM THAT YOUR EXCELLENCY'S NOTE AND THIS NOTE IN REPLY SHALL SONSTITUTE AN AGREEMENT ON THIS SUBJECT ENTERING PROVISIONALLY INTO FORCE ON THE DATE OF THIS REPLY, AND ENTERING DEFINITELY INTO FORCE ON THE FIFTEENTH DAY AFTER THE DATE ON WHICH THE CONTRACTING PARTIES HAVE NOTIFIED EACH OTHER THAT THEIR RESPECTIVE DOMESTIC LEGAL FORMALITIES FOR ENTRY INTO FORCE OF THE AGREEMENT HAVE BEEN FULFILLED.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION. UNQUOTE.

2. ACCORDING MINISTRY FOREIGN AFFAIRS, ABOVE AGREEMENT BECAME EFFECTIVE AUGUST 15, 1977.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PATENT AGREEMENTS, INFORMATION CONTROL
Control Number: n/a
Copy: SINGLE
Sent Date: 17-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977SEOUL04076
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770174-1192
Format: TEL
From: SEOUL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770548/aaaabpkm.tel
Line Count: 115
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 80723d92-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 104217
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2485341
Secure: OPEN
Status: NATIVE
Subject: KOREA-SPAIN PATENT AGREEMENT
TAGS: EIND, KS, SP
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/80723d92-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009